

EXHIBIT 10

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1

2 UNITED STATES DISTRICT COURT

3 EASTERN DISTRICT OF NEW YORK

4 -----x

5 Thomas LaMarco and Diane LaMarco,

6 Plaintiffs, Civil Index No:
21 Civ. 3716

7 -against-

8 Suffolk County, New York, Commissioner

9 Rodney Harrison, Individually and in

10 his Professional capacity, Captain

11 William Scrima, Individually, Sgt.

12 William Walsh, Individually, Police

13 Officer "John" Plihcik, Individually,

14 and "John Does 1-5", Individually,

15 Defendants.

16 -----x

17 100 Federal Plaza
Central Islip, New York

18 November 21, 2023
9:57 a.m.

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21 Deposition of Defendant

22 POLICE OFFICER CIARA PLIHCIIK,

23 pursuant to Notice, before Diana

24 Mitchell, a Notary Public of the

25 State of New York.

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2 A P P E A R A N C E S:

3 THE BELLANTONI LAW FIRM, PLLC

4 Attorney for Plaintiff

5 2 Overhill Road, Suite 400

6 Scarsdale, New York 10583

7 BY: AMY L. BELLANTONI, ESQ.

8

9 SUFFOLK COUNTY DEPARTMENT OF LAW

10 Attorney for Defendants

11 100 Veterans Memorial Highway

12 Hauppauge, New York 11788

13 BY: ARLENE S. ZWILLING, ESQ.

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IT IS HEREBY STIPULATED AND

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AGREED by and between the attorneys
for the respective parties herein,
that the filing, sealing and
certification of the within
deposition be waived.

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IT IS FURTHER STIPULATED AND

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AGREED that all objections, except
as to the form of the question,
shall be reserved to the time of
the trial.

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IT IS FURTHER STIPULATED AND

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AGREED that the within deposition
may be sworn to and signed before
any officer authorized to
administer an oath with the same
force and effect as if signed and
sworn to before the Court.

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2 C I A R A P L I H C I K,
3 called as a witness, having been duly
4 sworn by a Notary Public, was examined
5 and testified as follows:

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7 EXAMINATION BY

8 MS. BELLANTONI:

9 Q Please state your full name
10 for the record.

11 A My name is Police Officer
12 Ciara Plihcik.

13 Q What is your address?

14 A My business address is
15 Command 5800, 30 Yaphank Avenue, Yaphank,
16 New York 11980.

17 Q Good morning.

18 A Good morning.

19 Q My name is Amy Bellantoni,
20 and I represent the plaintiffs in this
21 action filed in Suffolk County and
22 several individuals who either were
23 employed or are employed with the County
24 including yourself, and I will be asking
25 you questions today related to the

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2 A The renewal applications are
3 scanned into the computer file.

4 Q When you say you reviewed the
5 911 calls, was that just the printouts or
6 did you review the audio as well?

7 A Just the printout.

8 Q What specifically were those
9 calls related to?

10 A They were related to the
11 LaMarcos' son Matthew.

12 Q Do you recall about how many
13 incidents you reviewed?

14 A I recall I believe two from
15 2017, possibly one from 2016 and one from
16 2019.

17 Q When you testified that you
18 reviewed the notes that were contained in
19 the file, were those notes in the
20 computer file or the hardcopy file?

21 A Computer file.

22 Q What was the sum and
23 substance of those notes?

24 A The notes were in sum and
25 substance that the LaMarcos were --

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2 submitted an application for renewal,
3 which was reviewed by our secretarial
4 staff. It was revealed that there were
5 911 calls relating to their son Matthew,
6 the files were pulled for review and
7 subsequently suspended as a result.

8 Q What is your understanding of
9 the reason that the LaMarcos' pistol
10 licenses were suspended?

11 A Because they failed to notify
12 us that their son required mental health
13 assistance.

14 Q Why is that a grounds for
15 suspension?

16 A Because they're required to
17 notify us as per our handbook which they
18 signed for in 2021 agreeing to follow all
19 the rules and procedures.

20 Q Does the failure to notify
21 the Pistol Licensing Bureau that their
22 son required mental health assistance
23 constitute a violation, to your knowledge
24 as a police officer, of any penal law
25 provision?

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2 result of any disciplinary proceeding?

3 A No.

4 Q What was your position in
5 Pistol Licensing when you were assigned
6 in 2017?

7 A Police officer/applicant
8 investigator.

9 Q Is that your current
10 assignment?

11 A Yes.

12 Q Generally, what are your
13 duties and responsibilities as an
14 applicant investigator?

15 A Investigating applicants.

16 Q How do you do that, or what
17 do you do in that respect?

18 A If someone applies for a
19 pistol license are you asking?

20 Q Yes.

21 A An initial application?

22 Q Application, yes.

23 A So initially we bring the
24 applicant in.

25 Q Well, let's start with when

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Q Are you regularly assigned to
the window?

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A No, not regularly, but
sometimes.

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Q Is that like if somebody is
out sick you fill in?

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A Correct.

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Q So if you don't generally
handle the renewals as an applicant
investigator, who would handle the
renewals in the office?

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A Initially it would go to one
of the secretarial staff members.

15

Q And then where would it go?

16

A Well, it depends.

17

18

Q If you know, so walk me
through the different scenarios.

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A I'm not overly familiar with
it because I'm not involved with it, but
it's my understanding that if there is no
issues, then the renewal will be
approved, if an issue comes up, then it
would go to a supervisor.

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Q Can the secretaries approve

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2 the renewals if there is no issue or do
3 they still need to go to a supervisor?

4 A I don't know.

5 Q In this case with the
6 LaMarcos, you are aware that the issues
7 of the nonreporting of Matthew's mental
8 health treatment arose from the LaMarcos'
9 renewal of their pistol licenses; is that
10 correct?

11 A Yes.

12 Q What is your understanding or
13 what is your knowledge of how that came
14 to the --

15 A I wasn't aware.

16 Q You have to wait. I am
17 sorry, I know I paused and I apologize.

18 -- to the Licensing Bureau's
19 attention?

20 A I was aware of it when I was
21 assigned the files.

22 Q Do you recall approximately
23 when you were assigned the files?

24 A Approximately April of '21.

25 Q What information did you have

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2 at the point in time where you were
3 assigned their files?

4 A I was notified that they had
5 failed to notify Pistol Licensing Bureau
6 of a mental health issue within their
7 household as they were required to do so.

8 Q Had their licenses been
9 suspended at that point in time already?

10 A When I received the file?

11 Q Yes.

12 A Yes.

13 Q Did you receive a hardcopy
14 file or just --

15 A Hardcopy.

16 Q Since being assigned to the
17 Pistol Licensing Bureau in or around
18 2017, what, if any, training did you
19 receive with regard to pistol licensing?

20 A When I first got there, I was
21 trained by another police officer or by
22 my team.

23 Q When you say "team," who do
24 you mean?

25 A So we have three teams, back

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2 Department?

3 A Yes.

4 Q Have you received, or
5 generally to your knowledge, has the
6 Licensing Bureau received any training
7 from the legal department within the last
8 five years?

9 A Not that I'm aware of.

10 Q Have you received any
11 training with regard to constitutional
12 issues or 2nd Amendment-related rights in
13 your assignment to the Pistol Licensing
14 Bureau during official training?

15 A No.

16 Q How about unofficial?

17 A I mean, we discuss sometimes.

18 Q Is it just discussions
19 between and among the Licensing Bureau
20 staff or is it supervisory discussions
21 with the staff?

22 A I would say both.

23 Q What was the sum and
24 substance of those conversations?

25 A I can't recall specific

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21

2 conversations, it's just as things evolve
3 we discuss them.

4 Q You can't think of any
5 incidents at all?

6 A No.

7 Q What about Thomas LaMarco and
8 his eligibility to possess firearms
9 generally was negatively affected by his
10 son's ineligibility to possess firearms?

11 A Are you asking me why it was
12 suspended?

13 Q No, I am asking you how
14 Thomas LaMarco is ineligible to possess
15 handguns because his son happens to be
16 ineligible to possess handguns?

17 MS. ZWILLING: Objection.

18 You may answer.

19 A Because it's a common
20 practice at the Pistol Licensing Bureau
21 that the entire household is held to the
22 same standard as the licensee, the same
23 eligibility.

24 Q Who came up with that idea?

25 A I don't know.

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Q Has it always been that way
since you worked there?

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A Since I worked there, yes.

5

Q Have there been any
discussions with the Licensing Bureau
that you were involved in or personally
heard regarding an individual's right to
possess firearms versus another person
that lives in the household?

11

A No, it's just been our common
practice that everybody, if one person in
the household is not eligible, the entire
household is held to that.

15

Q So under what circumstances
would the LaMarcos be able to have their
suspension lifted?

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A If they receive a note from
their son's treating physician stating
that there's no issues with him residing
in a home with firearms or if his son
moved out of his home.

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Q What would the circumstances
be if their son isn't able to obtain a
note from a physician?

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A They'll remain on suspended
status.

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Q At what point would their
license be cancelled or revoked?

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A Based on the current file --

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Q Yes.

6

A -- the current situation,
they will not -- they will just remain in
suspended status. They won't get
cancelled unless they fail to renew.

7

Q The LaMarcos are able to
renew their pistol license even in
suspended status?

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A Yes.

9

Q Did you talk to any of the
police officers who responded to the
LaMarcos' household during any of the
incidents that you reviewed the 911
incidents for?

10

A No.

11

Q Did you request or schedule
any kind of home visit to ascertain how
the LaMarcos store their firearms?

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A No.

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2 Q Did you ever learn from the
3 LaMarcos how they store their firearms?

4 A I believe it's in the file.

5 I don't recall if it's in their statement
6 or it's in your letter, but yes, there is
7 reference to how they store their
8 firearms.

9 Q Did you take that as true or
10 it wasn't relevant?

11 A It wasn't relevant.

12 Q How come?

13 A Because their safe storage of
14 the firearms is not under debate, it's
15 not under question.

16 Q Oh, okay, so you're taking
17 that as true then that they do safely
18 store their firearms in the manner they
19 describe?

20 A I am not taking it any way.
21 I haven't witnessed it myself.

22 Q If the LaMarcos store their
23 firearms in such a manner that they are
24 not accessible to their son Matthew or
25 any other third party, then why can't

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2 their suspension be lifted?

3 A Again, as the common practice
4 in my office, that if one person is in
5 the household is ineligible, then the
6 entire household is ineligible.

7 Q Is Matthew ineligible to
8 possess firearms?

9 A Yes.

10 Q And how so?

11 A Because we would require a
12 doctor's note stating that he is capable
13 of possessing firearms before he would
14 get approved.

15 Q Based on what? In other
16 words, what information do you have in
17 your files that indicate that Matthew is
18 firearms prohibited?

19 A He was transported to psyche
20 ward for a mental health evaluation.

21 Q And a transport itself is
22 enough to disqualify someone from
23 firearms possession?

24 A Yes.

25 Q You said a few times that

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2 it's the common practice in the Pistol
3 Licensing Bureau to enforce this policy
4 of the handbook; is that right?

5 A Yes.

6 Q Who in the police department
7 or the Pistol Licensing Bureau would have
8 the authority to override that general
9 policy?

10 A I don't know.

11 Q If you, and I'm not saying
12 that you do, if you disagreed with the
13 policy, do you have the authority to
14 reinstate the pistol licenses of the
15 LaMarcos?

16 A No.

17 Q Who would have that
18 authority?

19 A I don't know.

20 Q Did you receive an
21 authorization from the LaMarcos that was
22 signed by their son Matthew for you to
23 obtain his medical records from Catholic
24 Charities hospital?

25 A I received a medical release

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2 signed by Matthew, yes.

3 Q What did you do with that
4 release?

5 A I believe I sent it to the
6 doctor. I'm not 100 percent if he -- if
7 they received the note from the doctor or
8 if I sent a medical release and the
9 doctor sent the note to me, I don't
10 recall.

11 Q You received a note from the
12 doctor?

13 A Well, I received -- there is
14 a note in the file from Catholic Health
15 Charities, I don't recall how it got
16 there.

17 Q Do you recall speaking with
18 anyone from Catholic Charities?

19 A No.

20 Q Did you try to reach out to
21 anyone from the hospital?

22 A No.

23 Q And how come?

24 A How come what exactly?

25 Q Why didn't you try to reach

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2 out to anyone from Catholic hospitals?

3 MS. ZWILLING: Not Catholic
4 hospitals, Catholic Charities.

5 MS. BELLANTONI: Is that not
6 a hospital?

7 MS. ZWILLING: It's not a
8 hospital.

9 MS. BELLANTONI: Catholic
10 Charities.

11 MS. ZWILLING: It's not a
12 hospital.

13 MS. BELLANTONI: What is it?

14 MS. ZWILLING: It's an
15 organization. It's not a hospital.

16 MS. BELLANTONI: Is it a
17 mental health facility?

18 MS. ZWILLING: It's a general
19 charitable organization that does a
20 lot of things.

21 MS. BELLANTONI: Including
22 mental health treatment?

23 MS. ZWILLING: I think they
24 do all sorts of things, like run
25 soup kitchens and you name it.

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2 It's an umbrella organization, as
3 far as I know.

4 MS. BELLANTONI: Okay. Thank
5 you. So I'll just make a note,
6 Catholic Charities.

7 Q You didn't try to reach out
8 to anyone from Catholic Charities?

9 A No.

10 Q Did you not reach out to
11 Catholic Charities because it was a
12 requirement that whatever information
13 came from a treater it needed to be in
14 writing?

15 A Yes.

16 Q Is there any other reason why
17 you didn't reach out to Catholic
18 Charities?

19 A No.

20 Q So the only thing that the
21 Pistol Licensing, just to be clear, that
22 the Pistol Licensing Bureau is waiting
23 for is something in writing from
24 Matthew's treater or some other doctor
25 that indicates that he is firearms

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2 eligible?

3 A From his treating physician.

4 Q That he is firearms eligible?

5 A That he's eligible to reside
6 in a home with firearms.

7 Q Do you recall having any
8 conversations with Sergeant Walsh, at the
9 time I guess it was Sergeant Walsh,
10 regarding the LaMarcos?

11 A I don't recall any specific
12 conversations.

13 Q When you were assigned their
14 file, their renewal file, how did you
15 receive it, was it from the secretarial
16 staff or from Sergeant Walsh, if you
17 recall?

18 A It could have been either. I
19 don't recall.

20 Q I am going to show you what
21 has been previously marked as Plaintiff's
22 Exhibit 3, and just go through it and
23 just look through it so you can
24 familiarize yourself with it.

25 A With this whole thing? Want

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2 me to read this whole thing right now?

3 Q Yeah.

4 A I'm familiar with most of
5 this. I can look back on it if you have
6 questions that I need to clarify.

7 Q Yes, that's fine.

8 I was wondering if anywhere
9 in that exhibit is located the Catholic
10 Charities notation.

11 A It's mentioned in their
12 statement. I see it mentioned in their
13 statement. I don't see the note from
14 Catholic Health Charities, unless I'm
15 missing it.

16 MS. ZWILLING: Okay.

17 Q You would still have a copy
18 of that in the Pistol Licensing Bureau?

19 A Yes.

20 MS. BELLANTONI: I would just
21 ask, and I will follow up in
22 writing, I am going to ask for a
23 copy of that note.

24 A Okay.

25 Q So you can maybe put it to

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the side so that it can be produced.

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MS. BELLANTONI: Can you mark

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the transcript?

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Q Assuming that you received a note from Matthew's treating physician indicating that it's okay for him to reside in a home that also has firearms located in the home, what would the next step be?

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A That would be the first step in beginning the reevaluation of their competence or the reevaluation as to whether or not they can be reinstated.

15

Q What would the next step be?

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A I would do an investigation.

17

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Q And what would you investigate?

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A Many variables. I mean, basically, I would investigate both them and the household.

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Q Specifically, let's say for instance, you would run their background check to see if they had any convictions since their last renewal?

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A Yes, I would run a computer
check.

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Q What would that computer
check entail?

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A I would check our system to
see if any 911 calls were generated, that
would be one step.

9

Q Okay, what else?

10

A I would run the household.

11

When I say "run," I mean I would do a
background check on members of the
household. It's just how we phrase it.

14

Q For what purpose would you
check everybody else in the household
through your system?

17

A Because it's our common
practice that everybody in the household
is held to the same standard.

20

Q And then what else would you
do, assuming there was nothing in the
running of the backgrounds?

23

A So you're asking me what I
would do if there was nothing in the
background and they had a note from his

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2 treating physician?

3 Q Yes.

4 A Saying that he was competent
5 to reside in a home with firearms?

6 Q Yes.

7 A I would get updated
8 statements from both of the licensees.

9 Q Okay, and what would you want
10 them to put in the statements?

11 A Well, that would be their
12 statements.

13 Q Well, so you're just going to
14 send them something that says, Send me a
15 statement? Like, what are you looking
16 for?

17 A Send me an updated,
18 basically, just an updated statement on
19 what occurred in the household.

20 Q You want them to reiterate
21 what you already asked them to put in
22 writing?

23 A And put any new incidents in
24 there, also.

25 Q That weren't reported in the

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2 system?

3 A That occurred.

4 Q Okay, and if there was
5 nothing reported in the system as a
6 result of their background check, you're
7 going to ask them if there were any other
8 incidents that occurred?

9 A Yes, I would ask them for an
10 updated statement.

11 Q And then you would check that
12 to see whether they reported those
13 incidents to the Pistol Licensing Bureau
14 in accordance with the handbook?

15 A Yes, I would do a thorough
16 background check.

17 Q And if there were additional
18 incidents that didn't show up in your
19 background check that they didn't report
20 to the Pistol Licensing Bureau, that
21 would further cause a suspension of
22 their --

23 A It's possible.

24 Q Because they didn't comply
25 with the handbook?

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2 A Correct.

3 Q Which is not a law under New
4 York State law?

5 A I don't know.

6 Are you asking me to quote
7 the law?

8 Q Well, you know, you're a
9 police officer working in the Pistol
10 Licensing Bureau, do you think that --

11 MS. ZWILLING: She's not an
12 attorney.

13 Q -- do you think that it is
14 your responsibility as a police officer
15 enforcing the pistol licensing rules and
16 regulations to know what the state of the
17 law is?

18 MS. ZWILLING: Objection.

19 You may answer.

20 A I follow the common practice
21 of our office.

22 Q Without question?

23 A Yes.

24 Q Assuming there were no other
25 incidents listed in the LaMarco

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2 statement, what would the next step be?

3 A Again, there are many
4 variables, but assuming there were no
5 incidents and we had a note from
6 Matthew's doctor, his treating physician,
7 then they would probably get reinstated,
8 but again, there's so many variables.

9 Q I'd like to know what they
10 are.

11 A What the variables are?

12 Q Yes.

13 A Each case is different.

14 Q Well, I'd like to know
15 specifically to the LaMarcos, what are
16 the variables so they know the path
17 forward to getting their 2nd Amendment
18 rights reinstated by Suffolk County?

19 MS. ZWILLING: Objection. Is
20 your question --

21 MS. BELLANTONI: Yes, I would
22 like to know the variables.

23 A So specific to the LaMarcos,
24 they would need a background check, they
25 would need a note from the doctor, and if

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2 all of that was clear, then they could
3 get reinstated.

4 Q They wouldn't need to write
5 another statement down?

6 A I already said they would
7 need another statement.

8 Q Yes, they would?

9 A Yes, they would.

10 Q I am showing you what has
11 been marked as Exhibit 2, and the first
12 two pages of that exhibit are the release
13 of medical records that was filled out
14 and signed by Matthew LaMarco. Do you
15 see the first two pages?

16 A Yes.

17 Q That medical release is
18 within the file that is maintained in the
19 Pistol Licensing Bureau?

20 A Yes.

21 Q Did you testify that you did
22 not send this release out to the hospital
23 to obtain Matthew LaMarco's -- I'm sorry,
24 out to Catholic Charities, my apologies,
25 to receive the records that they have